
6th MARCH, 1804.

Read the first and second time, and committed to a committee of the whole House, to-morrow.

A B I L L

Supplementary to the act, intituled "An act more effectually to provide for the organization of the Militia of the District of Columbia."

1 **Be it enacted**, by the Senate and House of Representatives
2 of the United States of America, in Congress assembled, That
3 so much of the eleventh section of the act to which this is a sup-
4 plement, as requires that there should be a muster of each troop
5 of cavalry and company of militia, comprehending the companies
6 made up by voluntary enrolment, in the months of July, August,
7 and November, in each year, be, and the same is hereby repealed;
8 and that so much of the same section as limits the muster of each
9 legion to be in the month of October in each year, be, and the same
10 is hereby repealed; but there shall be a muster of each legion in
11 either of the months of October or November, in each year, as the
12 commanding officer of the brigade may deem most expedient.

1 **SECT. 2.** *And be it further enacted*, That the battalion courts
2 of enquiry, mentioned in the eighth section of the said act, shall be

3 held in the months only of July and November, in each year, and the
 4 legionary courts of enquiry, mentioned in the section last aforesaid,
 5 of the said act, shall be respectively held in not less than ten, and
 6 not more than twenty days after each battalion court of enquiry :
 7 *Provided however,* That the commanding officer of each legion
 8 shall be, and he is hereby empowered, to appoint and convene, at
 9 other time or times as he may deem requisite, legionary courts
 10 extraordinary, to be constituted in the same manner as the legion-
 11 ary courts of enquiry before mentioned, and to exercise all or any
 12 of the powers, and perform all or any of the duties, which are, or
 13 may be, by law, vested in, or prescribed to the said legionary courts
 14 of enquiry, except the power of assessing fines incurred by the
 15 officers of the legion, for any delinquency or neglect of duty, other
 16 than failing to attend such legionary courts extraordinary.

1 SECT. 3. *And be it further enacted,* That whenever the collector
 2 shall have personally demanded of any delinquent, any militia fine
 3 or fines heretofore assessed or hereafter to be assessed by any
 4 battalion or legionary court, and such fine or fines be not there-
 5 upon paid by such delinquent, or sufficient personal estate be not
 6 shewn and delivered by such delinquent to the collector, whereof
 7 such fine or fines, together with all legal fees and costs attending
 8 the same, may be levied by distress and sale; in such case it shall
 9 be the duty of the collector to make report of the circumstances to
 10 the legionary court, next ensuing thereafter, whereupon such court
 11 or any succeeding legionary court, may (unless they shall be satis-

12. fied of such delinquent's inability to pay, and that his failure
13. proceeds from no wilful design to evade the payment of his fines)
14. award a writ or process of execution, in the nature of a *capias ad*
15. *sates faciendum*, against the body of such delinquent, to be issued
16. and signed by the clerk of the said court, and tested in the name
17. of the commanding officer of the brigade, for the time being, and
18. directed to the collector; in which process the amount of the fine
19. or fines assessed against, and owing from such delinquent, shall be
20. expressed; and it shall be the duty of the collector, into whose
21. hands such writ or process of execution shall come, or his succes-
22. sor in office, to seize and arrest by virtue of such writ or process,
23. the person of such delinquent, and him to lodge in the county jail,
24. there to be kept in safe custody by the jailor, until such fine or
25. fines, together with all fees and costs attending the same, shall be
26. paid and satisfied by such delinquent, or until he shall be discharg-
27. ed by the legionary court, or otherwise by order of law; and the
28. keeper of such jail shall be entitled to charge such delinquent
29. with the same fees and emoluments, for the commitment and cus-
30. tody of such delinquent, as for the commitment and custody of
31. persons taken and committed by virtue of executions issued from
32. the circuit court of the district of Columbia; and such collector
33. shall make return upon such process, to the first legionary court
34. that may be appointed, in not less than thirty days after the issuing
35. of the same, how he has executed the same; and the legionary
36. court may, from time to time, so alter, amend, and renew such pro-

cess, as they may deem proper or necessary, until the fine or fines,
together with all fees and costs attending the same, to be recovered
by the said process, shall be paid by such delinquent.

SECT. 4. *And be it further enacted,* That, in lieu of the compensation allowed to the collector, by the said act, he shall be entitled to the same fees, commission, and emoluments (to be charged to the delinquent) for serving and executing every such writ, or process of execution, and for every distress and sale of the goods of a delinquent, as are allowed to the marshal of the district of Columbia, for similar services; and he shall, moreover, be entitled to such other compensation, out of the fines collected, as the legionary court may think proper to allow.

SECT. 5. *And be it further enacted,* That the collector may appoint one or more deputies, to be approved by the legionary court; and for the conduct of his deputies in the execution of their office, he and his sureties shall be liable, in the same manner as for his own conduct, in the execution of his office, and where any person or persons shall resist the collector or his deputy, in the execution of the duties of his office, he shall have the like power to summon to his aid, the posse comitatus, as the marshal of the district of Columbia might do; and every person so summoned, and refusing to obey, shall be subject to the same penalties, forfeitures, and prosecutions, as if summoned, on the like occasion, by the said marshal.

SECT. 6. *And be it further enacted,* That if any collector shall fail to make due return of any such writ or process of execution

3 as aforesaid, or shall fail to serve and execute the same, or having
 4 served the same, shall suffer such delinquent to escape without
 5 satisfying the same, in every such case the amount to be levied by
 6 such writ or process, shall be recovered against such collector by
 7 motion in any court of record for his county, together with all
 8 costs, and also with damages, not exceeding twenty five per cent.
 9 upon such amount; ten days notice of such motion being first
 10 given to such collector;—and when any motion is given by this
 11 act or the act to which this is a supplement, against the collector,
 12 such motion shall be in the name of the United States, and the
 13 amount thereby recovered, shall be paid over to the paymaster of
 14 the legion, to be appropriated according to the directions of the
 15 said act, concerning militia fines.

1 **SECT. 7. *And be it further enacted,*** That the legionary court
 2 shall have power at any time to remove from office, their clerk,
 3 provost marshal and collector, or either of them, for any miscon-
 4 duct, neglect of duty or incapacity; also to supply, from time to
 5 time, such vacancies as may happen in any of the said offices,
 6 either by death, resignation, or removal.

1 **SECT. 8. *And be it further enacted,*** That the secretary of war
 2 shall cause a sufficient number of copies of this act to be printed
 3 and distributed throughout the territory of Columbia, so that every
 4 general and field officer therein, and every brigade inspector and
 5 captain be furnished with one copy each.